

U.S. Bars the Japanese as Not White

Supreme Court Refuses Oriental Citizenship, Ruling That Basic Law Refers to Caucasians

Racial Worth Not Issue, Says Judge

Justice Sutherland Cites Century-Old Precedent in Denying Appeals

From The Tribune's Washington Bureau
WASHINGTON, Nov. 13.—The Japanese people are not of the "white" or Caucasian race and therefore are not entitled to citizenship in the United States, the Supreme Court decided today in opinions handed down by Justice Sutherland. His rulings were on two cases, originating in the courts of Hawaii and the State of Washington.

In the Hawaii case, Takao Ozawa, after being a resident under the American flag for twenty years, applied for citizenship. In the Washington case, Kakuji Yamashita and Charles Hio Kono brought suit against the Secretary of State of Washington because they were refused a charter for a Japanese real estate holding company. The refusal of J. Grant Hinkle, the secretary, was based on the ground of illegal naturalization.

Both lower courts held that Japanese were entitled to naturalization, while the Court of Appeals for the Ninth Circuit, passed the case on to the Supreme Court without deciding it.

Legal Issues Alone Discussed

Both decisions of the lower courts were upheld today. The decision of the Supreme Court is of the more importance because it frankly disregards all elements not of a strictly legal character. It ignored such questions as that made by Ozawa that he had been graduated from high school in Berkeley, Calif.; had studied at the University of California for three years and had sent his children to American schools and churches. In discussing this case Justice Sutherland said:

"The briefs filed on behalf of appellant in this case are full of facts of a nature which tend to create an impression of sympathy and enlightenment of the Japanese people, and with this estimate we have no reason to disagree; these are matters which cannot be taken into consideration in the case here at issue. We have no function in the matter other than to ascertain the will of Congress and declare if the Japanese race is an alien race, ineligible for naturalization, and so the case was taken to the Court of Appeals and then to the Supreme Court on these three questions:

"1. Is one who is of the Japanese race and born in Japan eligible to citizenship under the naturalization laws?"

"2. If said act of June 29, 1908, is limited by the act of June 29, 1906, is it limited by Section 2169 of the Revised Statutes?"

"3. Is one who is of the Japanese race and born in Japan eligible to citizenship under the naturalization laws?"

On behalf of the appellant it is urged that we should give to this phrase 'free white person' the meaning which it had in the minds of its original framers in 1790, and that it was employed by them for the sole purpose of excluding the black, or African race."

As to whether Ozawa could be admitted to citizenship under the classification "free white citizen," Justice Sutherland asserted the courts had long held that a "white person" meant a member of the Caucasian race, and said in his opinion, the Japanese Ozawa was not a Caucasian.

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Ban All Noise Near Home Of Rodman Wanamaker

Extra Guard Arouses Fear Deputy Commissioner Is Seriously Ill

Five patrolmen from the Mercer Street station have been assigned to the neighborhood of Rodman Wanamaker's home, at 1 Fifth Avenue, to quiet on the north side of Washington Square. A traffic policeman has been stationed at the corner of Fifth Avenue and Eighth Street to divert heavy traffic from passing the Wanamaker home. Children have been forbidden to skate in the vicinity. Drivers of Fifth Avenue busses have been asked not to blow their horns near the house.

These precautions aroused fear among the force at Police Headquarters last night when the Deputy Commissioner was seriously ill. It was remembered that, acting under orders from a physician, he found himself unable to attend a police reserve re-organization planned last month in honor of his return from Europe. At that time he had been told to avoid all strain and excitement. Two weeks ago, it is understood, Mr. Wanamaker took a doctor's summons from Philadelphia and had been in attendance since then.

Would Charge Murder In Poison Liquor Cases

William H. Anderson, state superintendent of the Anti-Saloon League, though asserting that deaths from alcoholism are "far below" the number in pre-prohibition days, announced yesterday that the league intended to urge legislation this winter to enable grand juries to indict on charges of murder bootleggers whose liquor proved fatal.

The proposed legislation, Mr. Anderson said, was aimed particularly at aliens "peddling poison for profit."

News Summary

FOREIGN

Ismet Pasha, Turkish envoy to Lausanne peace conference, threatens to withdraw unless Allies call meeting without delay.

Germany forwards note to Reparation Commission, saying Reichsbank will advance 500,000,000 gold marks to government if equal amount is forthcoming from abroad.

Political forecasters predict Conservatives will lead all parties at Wednesday's election.

Viscountess Astor, in a bitter campaign for election to Commons, taunted as a "pussyfoot."

Aid rushed to 8,500 homeless and destitute in Chilean earthquake area.

WASHINGTON

United States Supreme Court rules Japanese are not of the "white" or Caucasian race and denies them citizenship.

President Harding, facing defeat of the ship subsidy bill, is considering drastic changes to meet the Democratic attack in special session of Congress.

LOCAL

Mrs. Hall, in letter to grand jury, renews offer to testify without immunity; hearing put off until Monday.

William Howard Taft and American Bar Association committee drawing up code to end abuse of judicial powers.

Healer in parish of St. Luke's tells of miraculous cures by laying on of hands.

Police to form transit "legion of honor" in effort to check reckless driving and raise caliber of chauffeurs.

Four artists desert boy manager at Carnegie Hall benefit for Mrs. Hammerstein that draws only 129 persons.

Women to have larger part in Republican state affairs after reorganization; Governor Miller coming here to practice law alone.

Mayor Hylan off for West in search of rest; first stop Chicago; he may go to Coast.

Three hundred Pennsylvania freight handlers strike with threat to tie up harbor shipping.

Pet Somerset, facing deportation, denies he is father of Edith Day's child, Ellis Island hears.

DOMESTIC

State tentatively accepts four of first eleven talesmen examined in quest for jury in Herrin, Ill., mine massacre.

William Allen White demands Governor Allen, of Kansas, put him on trial after State's Attorney General announces he will not prosecute editor for posting notices, alleged to incite miners to strike, in his office window.

SPORTS

Jimmy O'Connell will play center field for the Giants next season.

Yale resumes football practice for the game with the Tigers Saturday.

Armory boxing controversy to be thrashed out in court today.

MARKETS AND SHIPS

Stock prices irregular; foreign bonds show marked weakness.

Loft assistants merger with United Retail Candy Stores in the "talking stage."

Cruel Steel Company surplus reduced \$6,459,234 in last fiscal year.

Norfolk faces heavy loss in shipping business through Daugherty dry edict. Foreign vessels to coal in Bahamas.

Whether the attempt to discredit Mrs. Gibson's story was responsible for Mr. Mott's change of plan, could not be determined. It does not discuss it and no one else was in a position to explain.

Mr. Mott reached Somerville in the afternoon and went to the office of Attorney General Cummings, who was superceded as head of the investigation by Mr. Mott. They were in conference for more than an hour, after which the speaker returned to his hotel.

For publicity that would damn us both out of public life.

"Here is the point that has never been decided by the American courts. It is picking up a court case, and it is a matter of opinion upon one side or the other in a strike? I claim this right of expression, of utterance, by word or press or placard, is a fundamental right. I defy the Governor's order to test that right."

"It is unthinkable that this case should be continued or dismissed without an important question. It should not be opened for another Governor to deny the right of free utterance to any citizen. If the Governor was wrong, and if I am wrong, it should not be possible for any citizen to mistake his rights."

"If I am arrested and not to be tried I have been merely k-luxed. What- ever attitude the Attorney General may take, I have unbounded faith that the Governor will bring this case to trial. Governor Allen is too good a sport to quit this case now. I don't mind arrest. I don't mind conviction. I don't mind even going to jail to prove to the people of Kansas what kind of a law they are carrying on their books, but I would not like to rest for life under the suspicion of taking up a case that means nothing and gets nowhere just because it is a case."

"Governor Allen will not quit in this case until it has been tried and appealed to the highest possible court, and he did not believe there was any law for conviction of White under the facts."

Mott to Give Hall Case to Jury Monday

Time Set to Coincide With Return of Judge Parker; Widow Writes Foreman Begging To Be Witness

Church 'Conspiracy Of Silence' Menaced

Henry Carpenter, Vestryman, Cousin of Rector's Wife, Goes to Hospital

By Boyden Sparkes

NEW BRUNSWICK, Nov. 13.—Special Attorney General Wilbur A. Mott arranged today for the Somerset County Grand Jury to convene next Monday. His coming Thursday, as announced, witnesses in the Hall-Mills murder case. About the same time Mr. Mott was making these preparations with Prosecutor Azariah Beckman, Mrs. Frances Stevens Hall, widow of the rector, was writing to a foreman of the grand jury, a man in which she reiterated her declaration of innocence, requested permission to appear before the grand jury and expressed willingness to waive immunity.

As far as newspaper reporters have been able to discover, Prosecutor Mott's case against Mrs. Hall is weak, although it is stronger against her than any one else, considering the statement of Mrs. Jane Gibson that she saw Mrs. Hall at the Phillips farm on the night she witnessed the murder. In view of the seeming weakness of the known evidence it was believed by some of the unofficial investigators tonight that the strategy of the state would be to employ the vast testimonial powers of the grand jury to extract valuable information from the stubbornly silent members of the congregation of the church of St. John the Evangelist.

Glad, Says Pfeiffer

"I'm very glad that the matter is to be presented to the grand jury at last," said Timothy Newlin Pfeiffer, lawyer for Mrs. Hall, when he learned of Mr. Mott's plan. Despite Mr. Pfeiffer's expressed satisfaction there can be no doubt that Mrs. Hall's kin-folks regard the grand jury proceedings as a real ordeal.

Quite aside from the question of who killed Edward W. Hall and Eleanor Mills, they are not likely to relish having to talk about the scandal that has saddened their homes and all but wrecked their church. The congregation of the vestrymen attending the church on Sunday night, the choir, some of whom certainly know more than they have told about the love affair of the rector and the choir singer, and the reaction of that romance upon various persons attending services there, has been spared thus far any severe strain upon what has seemed to be a conspiracy of silence.

Murder Two Months Old

Two months ago to-morrow the murders were committed. With a few hours of the discovery of the bodies Assistant Prosecutor Mottan of Middlesex County announced to newspaper reporters that every member of the church was to be questioned. Since that time Mr. Toolan has not been present at any of the proceedings, and about the case. The congregation has not been interrogated. Now, it seems, this vital work is to be done before the grand jury of Somerset County.

Mr. Mott's decision to go to Somerville today and arrange for the convening of the grand jury was made last night after Attorney Pfeiffer had turned over to him his briefs signed by Nellie Russell, a negro, who declared Mrs. Jane Gibson was engaged in conversation with her at the time the woman farmer's husband was shot. Mr. Mott received that momentarily disconcerting document he had planned to pass to-day in New Brunswick talking with witnesses, something he had not done unless he has worn a disguise while doing it. The exception with whom he has talked is Mrs. Gibson.

Holds Hour's Conference

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St. Luke's Parish Faith Healer Cures the Sick by 'Inner Power'

William T. Walsh, Layman, Says Health Is Being Restored at Weekly Meetings by Prayer, Though He Also Seeks to Renew Belief in Medicine

While physicians and clergymen are considering ways and means of co-operating to help the sick, St. Luke's Episcopal parish is quietly working out this problem in its own way.

No other church in the city is employing the form of spiritual healing that William T. Walsh, a lay healer, practices in this parish. The closest parallel is the gathering of Hicksonites from time to time in Grace Church.

When Dr. Edward S. Cowles presented his scheme for a "soul and body hospital" to a gathering of Episcopal clergymen the other day, Mr. Walsh was called on to give his personal experiences, since he is recognized as a special student of spiritual healing and applied psychology. He told of cures he had effected, instantaneous and gradual, saying he could not explain them—they simply were. He does not claim to be a healer, but he does claim to be a gift that came to him to bring comfort to the sick, just as some are born to sing, others to write, others to cheer and bring confidence wherever they go.

Mr. Walsh told in greater detail yesterday at his home, 287 Convent Avenue, of his methods and the results he attains. He holds spiritual healing meetings every Thursday morning, and great numbers of people go to him to find that he found it necessary to limit the attendance to 150, giving out tickets for this number. Thousands came to him in the first few weeks. He felt his ends would be defeated if he tried to treat too many at once. When the meetings are over he picks out the worst cases and gives them individual attention afterward.

It is not Mr. Walsh's intention to encroach on the province of the physician. There are many times when he recognizes the need to go to him to medical men. He helps to restore their faith in surgical and medical treatment. Many of them have gone to doctors for years and have lost faith in the efficacy of physical treatment. Mr. Walsh practices the laying on of hands, partly because it is an ancient custom, and partly because he believes in it.

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J.A. Wasserman, Code of Ethics Banker, Ends To Rule Judges Life by Shooting Drafted Here

Personal Business Blamed for Act of Broker Found Dying in Bath; Was Separated From Wife

Jesse A. Wasserman, a member of the banking and brokerage firm of Wasserman Brothers, of 42 Broadway, founded by his father and his uncle, was found yesterday in a bathtub in his apartment at 29 East Eighty-third Street dying from a self-inflicted bullet wound in the head.

From notes found in the apartment it was thought that personal business difficulties, not involving his firm, were mainly responsible for his act. There also was a suggestion in one of the notes that Wasserman, who was separated from his wife, found his troubles harder because he had to bear them alone. This note was addressed to a woman, said to be his former wife.

Carl von Borger Wasserman was the name inscribed on this message. It was addressed to her in Baden, Germany.

Saw No Other "Remedy"

"I am going to jump this life in a few minutes," he wrote, "and wish to say good-by, as I have nothing to live for. You are constantly in my thoughts and will be if there is a hereafter. As will be over in a few minutes. I can see no other remedy."

The second note, written on stationery of the Lotus Club, of which Wasserman was a member, was addressed to his brother, Edward Wasserman, of 5 East Forty-fifth Street.

"I have no ambition in life," he wrote. "I have stood it for over a year and can stand it no longer."

There was more in the message to his brother, but after the first few sentences it became incoherent and, toward the end, quite unintelligible. It made reference, however, to business difficulties, and to a desire to rid himself of them, culminating Sunday afternoon when his last hope failed, and said he believed his life insurance was sufficient to cover all his indebtedness.

Although he was not found until 11 a. m. it is thought that Mr. Wasserman shot himself about four hours before, filling the tub and waiting for death. It is not known if he shot to kill him at once he would be drowned within a short time.

It was said, however, when Josephine O'Malley, a maid employed in the apartment house, and John Owens, superintendent, entered the apartment with a pass key at 11 o'clock.

Was Breathing When Found

The bullet, fired into his mouth, had drilled his skull, flattened itself against the wall and was found on the floor. He had sunk in the water until his head was almost entirely submerged, but the water did not cover his mouth and he was breathing.

Dr. C. War Crampy and Dr. Hadley T. Cannon, who live in the apartment house, were called and got Mr. Wasserman into a bed. His own wife, said to be Edith Day, Steinberg, 50 West Forty-ninth Street, was called also. To the amazement of the physicians, who scarcely could conceive of a man living with such a wound in his head, Wasserman did not succumb until 2:30 in the afternoon.

At about 6 o'clock his brother, Edward Wasserman, reported his death to the East Sixty-seventh Street station. That was the first police knowledge of it. The medical examiner's office was notified and Dr. T. A. Gonzales, deputy medical examiner, made an investigation and reported the death a suicide.

Mr. Wasserman apparently had sat up most of the night, if not all night, examining his difficulties and seeking to find some way out. More than forty cigarette stubs were heaped on an ash tray in the living room of his apartment.

It is said to have been married to Edith Day, a sister of the actress, in 1916. A sister as well as a brother survives him.

Cologne Riots Renewed With Organized Bands

LONDON, Nov. 13.—A dispatch to "The London Times" from Cologne says rioting was renewed on a large scale in the city and suburbs to-night. Considerable damage was done and there were several casualties. Numerous arrests of disturbers, who seemed to have been carefully organized, were made.

The rioters, armed with clubs and stones, and the police in retaliation used swords and revolvers. Order was restored at midnight.

The dispatch adds it was reported in Cologne that there were considerable disturbances in Düsseldorf during the evening, but that no details had been received.

Plan Changes To Save Ship Subsidy Bill

Sweeping Revision Urged by Some Republicans as Determined Democratic Filibuster Looms

Harding Anxious To Avert Disaster

Measure May Go Over to the Next Session With Reorganization Plan

By Carter Field

WASHINGTON, Nov. 13.—Sweeping changes in the ship subsidy bill are being urged by some of its friends in the hope of preventing what now appears to be almost certain defeat.

President Harding, meanwhile, is torn between his earnest desire to have legislation passed at once which will keep the American merchant marine on the sea and his almost equally great desire to give the government and the country a rest from Congress after March 4.

Some of his closest advisers have told him that if he insists upon pushing the ship subsidy bill when the special session of Congress convenes next Monday it will mean aiding the Democrats just that much in their plan to force an extra session after March 4.

Democrats Against Reversal

The Democrats, flushed with their gains in the election and delighted with the showing all through the country of dissatisfaction with existing conditions, are desperately eager not to permit any nine-month recess to undo the work they have done. They emphatically do not want to concede to the Republicans from Congress. They want a discussion of every public question on Capitol Hill, which will be telegraphed through the country every night, and keep the pot of discontent boiling.

They do not hope for any particular measure of relief. What they chiefly want is to obstruct in every possible way under the law the passage of any bill that would give relief to every class and every section that feels itself aggrieved.

This is their openly avowed plan. There is no secret about it. President Harding realizes it keenly. What he wants is for Congress to rush through the regular appropriation bills and three measures in addition, at least.

These are the merchant marine bill, the bill granting increased and more liberal farm credits for the benefit especially of the great discontented agricultural sections of the West and Northwest, and the bill reorganizing the government departments, designed to produce greater efficiency and economy in the Federal government.

Some of the shrewdest leaders in the Republican party have come to the conclusion that the wisest course is to throw two of these three measures overboard. These are the ship subsidy bill and the reorganization measure.

To both of these measures is organized and bitter opposition. There is no particularly noticeable public sentiment as to the reorganization bill, but the private desires of so many men in the government who have friends in Congress provide a certainty that almost every change proposed will be bitterly resisted. Such resistance will not necessarily take the form of opposing that particular provision. Much the more effective way is to join with others who oppose other provisions and make a general fight against the whole measure. The same purpose will be gained, also, in the Senate by aiding the Democrats in what will surely be a general filibuster against everything.

Try to Force Extra Session

The Democrats plan to defeat the appropriation bills for the department of the interior and the department of the navy, and to compel President Harding to call an extra session of Congress immediately after March 4, which will take up these appropriation bills and pass them. By their action they will force the Democrats in what will surely be a general filibuster against everything.

The success of this plan at that time would be the beginning of the end of the League of Nations by the irreconcilables in the Senate undoubtedly resulted in the final defeat of Wilson's dream and gradually accumulated public sentiment against Wilson and the League.

(Continued on page six)

Egypt Seeks Hearing At Lausanne Session

LAUSANNE, Nov. 13 (By The Associated Press).—Egypt is striving to get a hearing at the Lausanne conference. Two delegations of Egyptians are already on the ground here, one representing the present government and the other the Nationalists of Zagloul Pasha's party. Both delegations to-day tried to secure assurances from Ismet Pasha, head of the Turkish Nationalists, that he would support their claim for a seat at the forthcoming gathering.

At to-day's conference with newspaper correspondents Ismet was inclined to take the position that the conference is to deal only with Turkish matters. The Egyptian governmental faction raised the question of the Sultan's status under the Nationalist regime. It is indicated that Ismet Pasha may seek to learn the British view before committing himself in the matter of support of the Egyptians.

Ismet Pasha, at Lausanne, Calls Indefinite Attitude "Joke or Insult"; Hints War Will Be Forced

French Refuse to Meet in London

Send Counter Offer to Hold Preliminary Talk With Italians in Switzerland

By Wilbur Forrest

Special Cable to The Tribune
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PARIS, Nov. 13.—Ismet Pasha, Turkish Nationalist representative to the Lausanne Near East Conference, to-day threatens to withdraw from that gathering and return to Constantinople unless assurances against undue delay are forthcoming from the Allies within a very short space. This is tantamount to a threat that the Turks are ready to continue their warfare in the Near East unless due deference is shown them by the English, French and Italians.

Conservatives Expected to Win In British Vote

Former Prime Minister Asquith's Liberals Pressing Hard for Second Place in Returns To-morrow

By Arthur S. Draper

From The Tribune's European Bureau

Copyright, 1922, New York Tribune Inc.

LONDON, Nov. 13.—Confused and complicated as the situation seemed to American observers on the eve of the recent elections in the United States, it was simple in comparison with the situation here on the approach of Great Britain's general election next Wednesday, the first to be held since December, 1918.

Are Not Baited

"There is, however, considerable difference in our position and the position that those peoples occupied. We are not baited."

Invited to Paris

Meanwhile the French government has sent Ismet an invitation to come to Paris and hold preliminary conversations with the British and American representatives. The invitation was also sent to Ismet, and he immediately wired to the French minister in London, demanding to know precisely what program the Allies intend to follow.

Artists Balk, but Faithful 128 Hear Out Hammerstein Benefit

Only five persons in the orchestra and a dozen or so in the galleries were on hand at 8 o'clock last night when the benefit concert for Mrs. Oscar Hammerstein was scheduled to begin in Carnegie Hall.

Salaries Increased for Appeals Judges Defeated

Voters' Decision on Amendment on City Bills Is Still in Doubt

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THE WEATHER

Cloudy and warmer, probable showers. to-day; to-morrow, showers. Southeast wind. Full report on Last Page

TWO CENTS In Greater New York | THREE CENTS Within 200 Miles | FOR CENTS Elsewhere

TUESDAY, NOVEMBER 14, 1922

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